

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 12459 PERMIT 8279 LICENSE 4433

**ORDER ALLOWING CORRECTION OF SOURCE AND
CHANGE IN PLACE OF USE**

WHEREAS:

1. License 4433 Mrs. Luta King and was filed with the County Recorder of Colusa County on January 4, 1957.
2. License 4433 was subsequently assigned to Trust Estate of Jackson S. King.
3. A correction is needed to specifically identify the description for the source. The correction is needed to agree with the latest U.S. Geological Survey Quadrangle maps - Grimes and Arbuckle.
4. A petition for change in the place of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
5. The Board has determined that the petitioned change and correction does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
6. The license condition pertaining to the Board's continuing authority does not conform to the current common law public trust doctrine as contained in Title 23, California Code of Regulations, Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

1. The Condition of the license regarding the description of the source be corrected to read as follows:

Colusa Basin Drain tributary to Sacramento River.

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2. The place of use under this license shall be as follows:

The addition of 234.9 acres (authorized under permitted Applications 26164 and 27183) be added to the existing place of use, thereby authorizing a 110 acre net place of use within a gross place of use of 344.9 acres. This additional 234.9 acres are described as follows:

34.9 acres, within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 29;
40.0 acres, within the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 29;
40.0 acres, within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 29;
40.0 acres, within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 29;
40.0 acres, within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 30 and
40.0 acres, within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 30, T14N,
R1W, MDB&M.

3. The continuing authority condition in License 4433 be amended to read as follows:

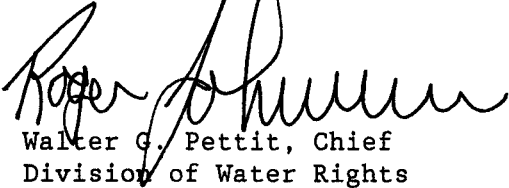
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: OCTOBER 15 1990

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Walter G. Pettit, Chief
Division of Water Rights

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STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 12459

PERMIT 8279

LICENSE 4433

Notice of Assignment (Over)

THIS IS TO CERTIFY, That **Mrs. Luta King**
115, Bridge Street, Colusa, California

has made proof as of May 7 & 26, 1954,
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
Main Drain of Reclamation District No. 2047 in Colusa County
tributary to Sacramento River

for the purpose of irrigation use

under Permit 8279 of the State Water Rights Board and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the terms of the said permit; that the priority of the right herein confirmed dates from April 1, 1948; and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed three (3) cubic feet per second to be diverted from about May 1 to about September 15 of each year.

The equivalent of such continuous flow allowance for any thirty day period may be diverted in a shorter time if there be no interference with other vested rights.

The point of diversion of such water is located due west five hundred twenty (520) feet from S $\frac{1}{4}$ corner of Section 20, T 14 N, R 1 W, MDB&M, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 20.

A description of the lands or the place where such water is put to beneficial use is as follows:

32 acres within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20, T 14 N, R 1 W, MDB&M
30 acres within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20, T 14 N, R 1 W, MDB&M
18 acres within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20, T 14 N, R 1 W, MDB&M
30 acres within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 29, T 14 N, R 1 W, MDB&M
110 acres total

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

COVERED BY LICENSE ORDER NO. 3

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

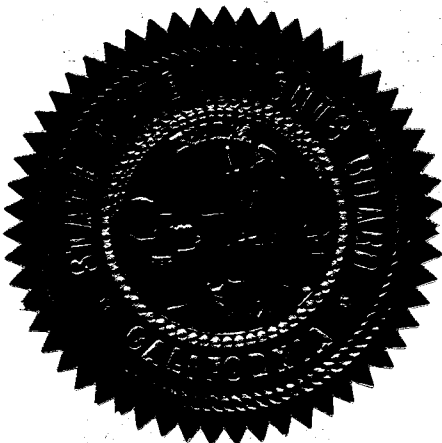
Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: **NOV 26 1956**

STATE WATER RIGHTS BOARD



By Leslie C. Jopson
Chief Engineer

7-14-64 RECEIVED NOTICE OF ASSIGNMENT TO Bertie Jackson S. King

6/22/64 name changed to Estate of Luta King

6/23/64 RECEIVED NOTICE OF ASSIGNMENT TO Est of Jackson S. King

1-20-82 name chgd to Trust Estate of Jackson S. King

7/15/97 assigned to T+M
King Farms, LLC

LICENSE 14433

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO Mrs. Luta King

NOV 26 1956

DATED

40140 7-86 4M ① SPO